

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant.	Adv. Pro. No. 08-01789 (CGM) SIPA Liquidation (Substantively Consolidated)
In re: BERNARD L. MADOFF, Debtor.	
IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff, Plaintiff, v. MISTRAL (SPC), Defendant.	Adv. Pro. No. 12-01273 (CGM)

ORDER DENYING DEFENDANT'S MOTION TO DISMISS

Defendant Mistral (SPC) ("Defendant") filed a motion to dismiss the Amended Complaint under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) (the "Motion") on August 15, 2022 (ECF No. 118). The parties stipulated to rest on their papers and waive oral argument on the Motion on December 8, 2022 (ECF No. 127). The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, and the Amended Complaint. The Court entered a memorandum decision, dated January 24, 2023,

regarding the Motion (the “Decision”) (ECF No. 135). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Amended Complaint is denied.
2. The deadline for Defendant to file an answer to the Amended Complaint is March 24, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

Dated: January 27, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge